

**Remarks**

In response to the Office Action mailed on May 4, 2007, the Applicants respectfully request reconsideration in view of the following remarks. In the present application, independent claims 1, 16, and 20 have been amended. The claims have been amended to specify autonomously checking the local stored account data module during an off-peak period to determine whether local account data has been modified since a last update to a centralized customer database associated with a media delivery service provider and, if so, then setting an account modification flag to indicate the need to transmit the modified local account data, packaging the modified local account data in the local account data module, and transmitting the modified local account data to the media delivery service provider, thereby enabling the media delivery service provider to update the centralized customer database to reflect the modified local account data. Support for this amendment may be found on page 11, line 20 through page 12, line 3 and on page 16, lines 12-14 in the Specification. No new matter has been added.

Claims 1-9, 11, 12, and 14-23 are pending in the application. The claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas et al. (US 2002/0059621, hereinafter “Thomas”) in view of Rodriguez et al. (US 6,760,918, hereinafter “Rodriguez”).

**Applicants’ Statement of the Substance of the Interview**

A telephonic interview between the undersigned representative for the Applicants and the Examiner was held on August 24, 2007 to discuss proposed amendments to independent claims in view of the cited references Thomas and Rodriguez. In the interview, the representative proposed amending the claims to specify autonomously checking the local stored account data module during an off-peak period to determine

whether local account data has been modified since a last update to a centralized customer database associated with a media delivery service provider and, if so, then setting an account modification flag to indicate the need to transmit the modified local account data, packaging the modified local account data in the local account data module, and transmitting the modified local account data to the media delivery service provider, thereby enabling the media delivery service provider to update the centralized customer database to reflect the modified local account data. The Examiner agreed with the representative that the proposed amendments appeared to overcome the cited references and stated that further search and/or consideration would be performed in response to receiving the Applicants' next response.

#### **Claim Rejections - 35 U.S.C. §103**

Claims 1-9, 11, 12, and 14-23 are rejected as being unpatentable over Thomas in view of Rodriguez. The rejection of these claims is respectfully traversed.

Amended independent claim 1 specifies a media distribution device for selectively delivering media content to a media presentation device. The media distribution device includes a media adapter for receiving a full stream of media content from a media delivery service provider; a data adapter for receiving data from the media delivery service provider; a local account data module containing an identification of a portion of the full stream of media content wherein only the portion is available for delivery to the media presentation device; and a local account manager capable of being locally accessed and operative to modify the identification of the portion available for delivery to the media presentation device without modification to the full stream of media content received from the media delivery service provider at the media adapter, wherein

the local account manager, during an off-peak period, is further operative to autonomously check the local account data module to determine whether local account data has been modified since a last update to a centralized customer database associated with the media delivery service provider and, if so, then set an account modification flag to indicate the need to transmit the modified local account data, package the local account data module, and transmit the modified local account data to the media delivery service provider, thereby enabling the media delivery service provider to update the centralized customer database to reflect the modified local account data; wherein the local account manager provides a customer access to media content that is part of an account of the customer and blocks access to media content that is not part of the account while the full stream of media content received at the media distribution device still includes the media content that is not part of the account and is unavailable to the media presentation device thereby allowing the media distribution device to instantaneously deliver to the media presentation device only the portion that is part of the account without requiring a change to the account via interaction with a central customer account management center.

It is respectfully submitted that the combination of Thomas and Rodriguez fails to teach, disclose, or suggest the features specified in amended claim 1. For example, the aforementioned combination fails to disclose a local account manager, during an off-peak period, which is operative to autonomously check the local account data module to determine whether local account data has been modified since a last update to a centralized customer database associated with the media delivery service provider and, if so, then set an account modification flag to indicate the need to transmit the modified local account data, package the modified local account data in the local account data

module, and transmit the modified local account data to the media delivery service provider, thereby enabling the media delivery service provider to update the centralized customer database to reflect the modified local account data.

Thomas discusses a remote server that stores user-specific information. See Abstract. In Thomas, when valid login information is entered and a purchase button is selected, the distribution of the selected video-on-demand program may be authorized to the user from a server, a remote server network, or other suitable distribution source to the user who is currently logged into the system (see paragraph [0081], lines 1-6). The requested video-on-demand program may be displayed in a display screen (see paragraph [0081], lines 6-8). Thomas is silent however, with respect to disclosing a local account manager, which during an off-peak period, is operative to autonomously check the local account data module to determine whether local account data has been modified since a last update to a centralized customer database associated with the media delivery service provider and, if so, then set an account modification flag to indicate the need to transmit the modified local account data, package the modified local account data in the local account data module, and transmit the modified local account data to the media delivery service provider, thereby enabling the media delivery service provider to update the centralized customer database to reflect the modified local account data. Therefore, Thomas fails to teach, disclose, or suggest at least the aforementioned features.

Rodriguez, relied upon in the Office Action for allegedly curing the deficiencies of Thomas, discusses on-demand media delivery for remote storage of personal media of users, for sharing of stored media and for features for relocating media-on-demand services. User-specific data may be stored in a user profile and the user profile may be

remotely accessed and manipulated by an identified user. A user may upload or download data, files, or programs between local user equipment and a server. The uploaded data, files, or programs may be assigned private, public or group access rights including the right to read, write, manipulate, upload, or download data, files or programs. An on-demand media system may be used to store preferences to configure and customize user equipment. The preferences may include volume settings, preferred program settings, menu configurations, and channel block settings. See paragraphs 0006-0009. Rodriguez however, fails to disclose a local account manager, which during an off-peak period, is operative to autonomously check the local account data module to determine whether local account data has been modified since a last update to a centralized customer database associated with the media delivery service provider and, if so, then set an account modification flag to indicate the need to transmit the modified local account data, package the modified local account data in the local account data module, and transmit the modified local account data to the media delivery service provider, thereby enabling the media delivery service provider to update the centralized customer database to reflect the modified local account data. In particular, while Rodriguez discusses the manipulation of data, files, and programs in an on-demand media system, there is no disclosure of autonomously checking for account data modified since a last update to a customer database during an off-peak period or setting an account modification flag to indicate the need to transmit the modified account data. Therefore, Rodriguez fails to teach, disclose, or suggest at least the aforementioned features.

Based on the foregoing, amended claim 1 is allowable and the rejection of this claim should be withdrawn. Claims 2-9, 11-12, 14-15, 21 and 23 depend from amended

claim 1, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn. Amended independent claims 16 and 20 specify similar features as amended claim 1 and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn. Claims 17-19 and 22 depend from amended claim 16, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

### **Conclusion**

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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